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RECIPIENT
John Sipos**COMPANY****FAX NO.**
(571) 273-4468**PHONE NO.**

• MESSAGE •

Application No. 10/647,819
Our Reference No. 47097-00057USPR

Pursuant to your discussion with Dan Burnham, attached is a Terminal Disclaimer and a Fee Transmittal for the above-referenced application.

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PTO/SB/26 (10-00)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket No. (Optional)
47097-00057USPR

In Re Application Of: Thomas et al.
Application No.: 10/647,819
Filed: August 25, 2003
For: Fill-Through-The-Top Package And Method And Apparatus For Making The Same

The owner, Pactiv Corporation, of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,148,588. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

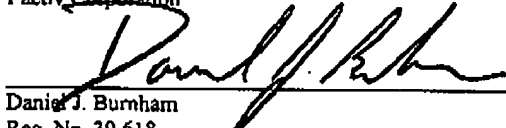
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☒ The undersigned is an attorney or agent of record.

Pactiv Corporation

Date: November 8, 2005


Daniel J. Burnham
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☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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CHICAGO 319484v1 47097-00057USPR

PAGE 2/3 * RCVD AT 11/8/2005 3:43:51 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/27 * DNIS:2734468 * CSID:3124253909 2 * DURATION (mm-ss):01-06

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PTO/SB/17 (12-04v2)

Approved for use through 7/31/2008. OMB 0851-0032
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<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3>		<p>Complete if Known</p>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/647,819	
		Filing Date	August 25, 2003	
		First Named Inventor	Toby R. Thomas	
		Examiner Name	John Sipos	
		Art Unit	3721	
TOTAL AMOUNT OF PAYMENT (\$)		450.00	Attorney Docket No.	47097-00057USPR

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account 10- 0447/47097- Deposit Account Jenkins & Gilchrist, a Professional Corporation
 Deposit Account Number: 00057USPR Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
-41	x	=
Fee Paid (\$)		
Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
Indep. Claims	Extra Claims	Fee (\$)
-8	x	=
Fee Paid (\$)		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge), Terminal Disclaimer Fee	130.00
Fees Paid (\$)	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	39,618
Name (Print/Type)	Daniel J. Burnham	Telephone	(312) 425-8513
		Date	November 8, 2005